



Reprinted
February 10, 2009

SENATE BILL No. 196

DIGEST OF SB 196 (Updated February 9, 2009 5:23 pm - DI 71)

Citations Affected: IC 9-13; IC 9-21.

Synopsis: Electronic devices while operating a motor vehicle. Provides that a person who uses a handheld device while operating a motor vehicle as a public passenger chauffeur commits a Class C infraction. (The introduced version of this bill was prepared by the interim study committee on learner's permits and graduated driver's licenses.)

Effective: July 1, 2009.

Wyss, Merritt, Breaux

January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
January 29, 2009, amended, reported favorably — Do Pass.
February 2, 2009, read second time, ordered engrossed. Engrossed.
February 3, 2009, call withdrawn; returned to second reading.
February 9, 2009, re-read second time, amended, ordered engrossed.

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SB 196—LS 6149/DI 96+



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February 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 196

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-117.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 117.5. **(a) "Operate",**
3 **for purposes of IC 9-21-8-57, has the meaning set forth in**
4 **IC 9-21-8-57.**

5 **(b) "Operate",** for purposes of IC 9-31, means to navigate or
6 otherwise use a motorboat.

7 SECTION 2. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2009]: **Sec. 72.3. "Handheld device", for purposes of IC 9-21-8,**
10 **has the meaning set forth in IC 9-21-8-0.5.**

11 SECTION 3. IC 9-21-8-0.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2009]: **Sec. 0.5. As used in this chapter, "handheld device" means**
14 **an electronic or a digital telecommunications device that is held in**
15 **the hand during use.**

16 SECTION 4. IC 9-21-8-57 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2009]: **Sec. 57. (a) As used in this section, "operate" means to**
2 **have actual physical control over a motor vehicle while the motor**
3 **vehicle is in motion.**

4 (b) A person may not use a handheld device while operating a
5 motor vehicle as a public passenger chauffeur.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"(d) Subsection (b) does not apply to a public safety officer (as defined in IC 35-47-4.5-3)."

and when so amended that said bill do pass.

(Reference is to SB 196 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 196, which is eligible for third reading, be returned to second reading for purposes of amendment.

WYSS

 SENATE MOTION

Madam President: I move that Senate Bill 196 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-117.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 117.5. (a) "Operate", for purposes of IC 9-21-8-57, has the meaning set forth in IC 9-21-8-57.

(b) "Operate", for purposes of IC 9-31, means to navigate or otherwise use a motorboat."

Page 1, delete lines 5 through 17.

Page 2, delete lines 1 through 17.

Page 2, line 25, after "57." insert **"(a) As used in this section,**

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"operate" means to have actual physical control over a motor vehicle while the motor vehicle is in motion.

(b)".

Renumber all SECTIONS consecutively.

(Reference is to SB 196 as printed January 30, 2009.)

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